<div align="center">REMARKS</div>

I.   Status of claims

Claims 1-10 and 12-21 are now pending in this application. Reconsideration is respectfully requested based on the following remarks.

II.   Finality

The finality of the Office Action is respectfully traversed. Applicant submits that claims 20 and 21 have been treated on the merits for the first time and accordingly, finality is inappropriate. Withdrawal of the finality is respectfully requested.

III.   Claim Rejections

A.   Rejection of claims 1-10 and 12-19 under 35 U.S.C. §112

Claims 1-10 and 12-19 have been rejected under 35 U.S.C. §112 as being indefinite. Specifically, the Office Action states that "it is not clear what applicant means by dynamically assembling." (Page 2, section 3 of Office Action.) This rejection is respectfully traversed.

Because the concept of dynamic assembly was thoroughly described in the specification as filed and has been used throughout the claims even prior to the most recent amendment, applicant finds the introduction of this new rejection at this particular stage of the prosecution puzzling.

For example, with regard to the claims, the un-amended preambles of claims 1 and 14 pertain to a "method for dynamically creating a network based application form". Additionally, claims 20 and 21, which are not subject to this newly formulated rejection also include the language "dynamically assembling an application page".

Page 3, first full paragraph refers to a dynamic application module and the dynamically created application page. Dynamic assembly is defined and described throughout the originally

filed application. For example, page 7, line 10 begins the description of "a preferred

embodiment of the method of dynamically creating an application page…".Page 9, last line

describes that dynamic application module 34 that "dynamically assembles the HTML

documents associated with each required category of information into an application page."

As explained the background of the invention, typical banking systems used one

application for each product. The application for each product is static. Thus, if a customer

wants to apply for multiple products, multiple applications must be completed.

In the invention described and claimed in the pending patent application, a new

application suited to a customer's product needs is dynamically created upon receipt of each

customer request.

Furthermore, even if the thorough explanation in the specification is not understood or is,

for whatever reason, deemed unclear, applicant's use of "dynamic" and "dynamically" does not

markedly differ from standard use of the terminology in the current context, as defined for

example in the American Heritage dictionary.

dy·nam·ic (dī-năm′ĭk) ☐ *adj.* also **dy·nam·i·cal** (-ĭ-kəl); **dy·nam′i·cal·ly** *adv*
Characterized by continuous change, activity, or progress: *a dynamic market.*

Other similar definitions referencing the non-static, variable character of the object of assembly

may be implemented without altering the scope of the invention. Accordingly, because the

terminology is clear and definite, withdrawal of the rejection under 35 U.S.C. §112 is

respectfully requested.

B.   Rejection of claims 1-10 and 12-21 under 35 U.S.C. §103(a)

Claims 1-10 and 12-21 have been rejected under 35 U.S.C. §103(a) over U.S. Patent No.

6,385, 594 to Lebda et al. (hereinafter "Lebda") in view of provisional application 60/190,825

(hereinafter "'825"). This rejection is respectfully traversed.

The May 29th Office Action refers to an Office Action dated 02/25/2009 for the rejection. Applicant is not aware of any such Office Action. Accordingly, Applicant's remarks are directed the rejection set forth in the Office Action of February 7, 2005 as referenced in the Office Action dated December 1, 2008 (the Office Action directly preceding the May 29th, 2009 Office Action) for its rejection based on the Lebda reference.

The Office Action makes a brief statement regarding the relevance of the '825 reference. Although the statement does not fully explain how '825 obviates the deficiencies of Lebda, the statement alleges that "'825 teaches credit analysis that differs as a function of the item for which the loan is sought." Even if '825, teaches this, the combination of Lebda and '825 still fails to disclose the dynamic assembly of an application as claimed. It is unclear how such a disclosure would render the claims obvious. Furthermore, it is noted the May 29th Office Action fails to address the arguments set forth in applicant's most recent response and instead merely replicates responses to other arguments which were made several years ago.

Pending independent claims 1, 8, 14, 20, and 21 are directed to a method or system for providing a dynamically created application form through a network to a consumer applicant for one or more products. The invention is directed particularly to tailoring an application form to a particular request from an applicant. Thus, an applicant may apply for multiple requested products such as banking products by completing a single application form tailored to the applicant's request for multiple products. As an example, a potential applicant may choose from an array of products offered by a product provider such as a bank. The potential applicant may request to apply for two products, such as a checking account and a credit account. The instant invention then dynamically creates an application form to solicit the information required to

apply for both a checking account and credit card. In this manner, the applicant provides the required information to the bank on one convenient location.

The primary reference, Lebda, is directed to coordinating an electronic credit qualification form between an Internet user and plurality of lending institutions via the Internet. The Lebda invention allows for qualifying for credit from a multitude of lending institutions without physically going to or calling each lender and filling out multiple applications. The Lebda invention, thus, provides "a universal credit qualification form over the Internet and [allows] the Internet user to submit a single credit application to a plurality of lending institutions who then make offers to the customer via the Internet." Lebda, col. 1, lines 53-57. Lebda, thus, uses an existing universal credit form that obtains all the information that may be required to apply for a loan from any participating lender. Lebda does not suggest a dynamically created application form that is assembled for display to the user. To the contrary, Lebda simply "sends an open application to a prospective borrower through the Internet." Lebda, col. 4, lines 2-3.

The secondary reference, '825, is directed to an online affordability based purchasing system that enables a buyer, dealer, or lender to immediately determine, based on pricing and buyer qualifications, which products a buyer will be able to afford.

The applied references fail to show or suggest any assembly or dynamic creation of an application page. Accordingly, the applied prior art fails to suggest the specific details of applicant's invention as set forth in the pending claims.

Claim 1 sets forth a method for dynamically creating a network based application. The method includes the steps of receiving a request from a customer computing system to apply for a plurality of products, the request received over a network at a host server, wherein specific information is required to be submitted to apply for each one of the plurality of products. Claim

1 additionally requires dynamically assembling an application page from a plurality of documents. The application has multiple fields and is assembled from the plurality of documents, wherein each document of the plurality of documents contains at least one field required to apply for one of the plurality of products. The method additionally includes receiving information corresponding to each field in the application page.

The December 1 Office Action, in section 3, paragraph 2, incorporates all portions of the February 7, 2005 Office Action relevant to Lebda. Thus, with respect to the step of assembling an application page for display over the network, the Office Action relies on Column 3, lines 58-61 of Lebda to show this step. **Lebda does not suggest assembling an application page from a plurality of documents as required by claim 1. Claim 1 specifically requires assembling, at the host server, an application page for display over the network, said application page having multiple fields, the application page assembled from a plurality of documents.** Lebda is silent regarding using a plurality of documents to assemble a consolidated application page. In the section referenced by the Office Action, Lebda discloses sending a prospective borrower background information documents concerning a loan application. "These background information documents include a document welcoming the Internet user to the web site, a document explaining the application process, and a document explaining the service provided." Lebda, col. 3, line 65-col. 4, line 1. The citation at column 3, lines 58-61 relied upon by the Office Action, sets forth that a central loan processing computer allows prospective borrowers using satellite computers to view these documents. Lebda does not suggest assembling an application page from these documents. To the contrary, after these documents are sent, the loan processing computer sends an open application to the prospective borrower through the Internet

to the satellite computer. Lebda, col. 4, lines 1-3. Lebda does not suggest that this application is

assembled from a plurality of documents.

Furthermore, as noted in the Office Action, Lebda fails to disclose a request for a

plurality of products, wherein specific information is required to be submitted to apply for each

one of the products as set forth in claim 1. Lebda additionally fails to disclose that each

assembled page contains at least one field corresponding to the specific information required to

apply for one of the products also as set forth in claim 1. Lebda also fails to disclose that the

fields displayed by a plurality of documents are specific information required to be submitted to

apply for each one of the plurality of products.

Thus, at least four features of claim 1 are lacking in Lebda. These four features

include: (1) dynamically assembling an application page from a plurality of documents; (2)

a request for a plurality of products, wherein specific information is required to be

submitted to apply for each one of the products; (3) each assembled page contains at least

one field corresponding to the specific information required to apply for one of the

products; and (4) the fields displayed by a plurality of documents are specific information

required to be submitted to apply for each one of the plurality of products.

The '825 reference fails to obviate the deficiencies of Lebda noted above. The December

1 Office Action fails to identify specific language in the '825 reference that teaches or suggests

these missing features of Lebda.

Initially, the '825 reference fails to disclose (1) assembly of an application page for

display over the network, wherein the page is assembled from a plurality of documents. The

Office Action provides no indication that this feature is disclosed in the '825 reference. In fact,

'825 does not relate to an application for a product. Instead, much like an online calculator, '825 relates to a pre-qualification platform for determining affordability for prospective purchasers.

With respect to feature (2), The December 1ˢᵗ 2008 Office Action alleges that the '825 reference discloses that credit analysis differs as a function of the item for which the loan is sought, specifically referencing page 1, second paragraph of the '825 reference. Applicant respectfully submits that '825 does not in fact teach this, but that even if '825 did teach this, it would not supplement Lebda sufficiently to teach the combined features (2), (3), and (4).

As stated above, The paragraph cited in the Office Action simply fails to disclose application for a plurality of products. Instead, this paragraph teaches pre-qualification for a car loan. Furthermore, even after the buyer prequalifies, the buyer must then complete an application for the loan. See last full paragraph on page 2 of '825. The system merely decides how much the buyer can afford. Regardless of how much the buyer can afford, the product remains a car loan and '825 provides no indication that multiple different fields are required from the applicant to prequalify for different products.

With respect to features (3) and (4), the Office Action provides absolutely no teaching or suggestion from the disclosure of the '825 reference. The '825 reference enables a buyer, dealer, or lender to immediately determine, based on pricing and buyer qualifications, which products a buyer will be able to afford. The '825 reference is directed solely to pre-qualification for an automobile loan.

The '825 reference does not support the teaching of a credit analysis that differs as a function of the item for which a loan is sought. To the contrary, the '825 reference, on page 14 describes: "Our AutoAfford™ platform determines loan affordability by analyzing the buyer's credit information in view of the loan requirements of each of our participating lenders." The

'825 provisional application is silent regarding loans sought to purchase a home or to repay

revolving credit that are mentioned by the Examiner on page 3 of the December 1 Office Action.

Furthermore, the '825 reference includes no suggestion to apply for a plurality of loans.

Thus, even if combined, Lebda and the '825 reference would not have resulted in the

invention of claim 1. Accordingly, a *prima facie* case of obviousness cannot be established.

Specifically, before considering what would be obvious to one of ordinary skill in the art at the

time of the invention, the art must teach or suggest the claim limitations. See MPEP §2143.

Even if combined, the references applied in the Office Action fail to disclose each and every

feature of independent claims.

In the Office Action, it is asserted, "It would have been obvious to one of ordinary skill in

the art at the time applicant's invention was made to combine the teachings of Lebda relating to

presenting and accepting a credit application over a network to include the teachings of '825

reference relating to receiving one application for potentially many different types of credit. The

Office Action further states on page 3 that "It is well known in the art, whether buying different

types of cars or houses, that multiple lenders structure comparable (but different) loans based on

the consumer's credit report." Again, even if this assertion is true, it does not support a

conclusion of obviousness in the instant case. Regardless of the interest rate or term for a car

loan or other type of loan, there is no evidence to substantiate that different information is

required from the applicant based on the term or interest rate in order to support a need for a

dynamically created application having fields relevant to different products

This combination of the teaching of Lebda and the '825 reference is insufficient to

establish a *prima facie* case of obviousness against claim 1 for at least three reasons. First, the

Office Action does not set forth the proposed modification to the Lebda system based on the

teaching of the '825 reference necessary to arrive at the claimed invention. Second, the Office

Action does not provide a sufficient explanation of why one of ordinary skill in the art would

have been motivated to modify the teaches of the references relied upon. Third, the '825

reference does not suggest receiving one application for different products, wherein information

to specific to each product is required in the application.

　　　　To elaborate, no motivation would have been present to modify Lebda with the '825

disclosure. Applicant notes that an advantage of assembling the application page, is that a single

application is presented to the user to apply for a plurality of products. The Office Action

acknowledges that Lebda does not teach a request to apply for a plurality of products.

Accordingly, it is not surprising that Lebda does not suggest dynamically assembling an

application page. There would be no advantage to assembling such a page in the Lebda system,

since a fixed set of information is required. The Office Action fails to set forth a sufficient

explanation of why one of ordinary skill in the art would have been motivated to modify the

teaching of Lebda as suggested.

　　　　Claims 2-7 depend from claim 1, and define over the art of record for at least the reasons

set forth above with respect to claim 1.

　　　　Independent claim 8 sets forth a system for obtaining application data from an applicant

through a dynamically created application form. The claimed system includes a dynamic

application module and a decision module. The dynamic application module receives requests to

apply for at least two of a plurality of products. The dynamic application module determines

categories of information required for the at least two selected products and dynamically creates

an application requesting data corresponding to the information categories required to apply for

the requested products, and receives the requested data. The decision module receives the data

from the dynamic application module, generates a decision regarding the application, and provides the decision to the dynamic application module. The applied art does not show or suggest the dynamic application module as set forth by claim 8.

The February 7, 2005 Office Action at page 5, cites to Lebda at column 7, lines 23-29 to show limitations of claim 8. This reference is to claim 1 of Lebda, which refers to "receiving a plurality of credit data sent from the Internet user;" and "applying said credit data to a filter comprising the plurality of selection criteria of the database to select without manual intervention each one of said plurality of lending institutions associated with a match of said credit data to said selection criteria." The steps of claim 1 of Lebda do not suggest dynamically creating an application requesting data required to apply for at least one of a plurality of products. As discussed above, the Lebda invention provides "a universal credit qualification form over the Internet and [allows] the Internet user to submit a single credit application to a plurality of lending institutions who then make offers to the customer via the Internet." Lebda, Col. 1, lines 53-57. There is no suggestion in Lebda that the universal credit qualification form is dynamically created. The secondary reference to '825 includes no suggestion to dynamically create an application. Accordingly, the applied art does not suggest a dynamic application module for dynamically creating an application requesting data required to apply for at least one of a plurality of products as set forth by claim 8.

Claim 8 also sets forth a decision module in communication with the dynamic application module. The decision module is for receiving the data, generating a decision regarding the application, and providing the decision to the dynamic application module. The Office Action interprets "module" to "include any collection of hardware or software processes such that the result is effectuated." The Office Action cites to further steps of claim 1 of Lebda to show the

18

decision module. The Office Action identifies no collection of hardware or software processes that effectuate the steps of claim 1 of Lebda that are relied upon to show the claimed function of either the dynamic application module or the decision module. Claim 8 sets forth that the decision module is for providing the decision to the dynamic application module. As the Office Action does not identify either a dynamic application module or a decision module in Lebda, it does not provide a suggestion of a decision module for providing a decision to a dynamic application module.

For at least the reasons set forth above, Lebda, even when combined with '825, does not teach or suggest the components of the system defined by pending claim 8. Accordingly, the Office Action does not establish a *prima facie* case of obviousness against claim 8.

Claims 9, 10, 12, and 13 depend from claim 8 and define over the art of record for at least the reasons set forth above with respect to claim 8.

Claim 14 defines a method for dynamically creating an application form in a manner similar to claim 1. Claim 14 further sets forth that the request to apply for at least one of a plurality of products is in the form of a uniform resource locator. Claim 14 also includes the step of parsing the uniform resource locator to identify the products. Claim 14 includes all of the steps and limitations discussed above with respect to claim 1.

Claim 14 sets forth a step of "parsing the uniform resource locator to identify the at least one of a plurality of products." The February 7, 2005 Office Action at page 3 asserts that access to any web page is implied in a URL. However, the URL set forth in claim 14 is not merely used to access a web page. It is further used to transmit a request to apply for selected products. The URL must therefore be parsed to identify which products are requested. An application page is then assembled to provide an application for the products requested. The Office Action's

19

reliance on accessing web pages with a URL is insufficient to suggest parsing the URL to identify requested products as set forth by claim 14. Applicant respectfully requests the withdrawal of the rejection of claim 14 over Lebda in view of '825 as this combination of references fails to render claims 14 obvious for the reasons discussed above. Claims 15-19 depend from claim 14 and therefore define over the art of record for at least the reasons set forth above with respect to claim 14.

Claims 20 and 21 define further distinctive features of the invention. Similarly to claim 1, claims 20 and 21 are independent claims directed to a method for dynamically creating a network based application form. Applicant respectfully submits that claims 20 and 21 define over the art of record for at least the reasons set forth above with respect to claim 1.

The Office Action fails to establish a *prima facie* case of obviousness that the pending claims are unpatentable. "During patent examination, the PTO bears the initial burden of presenting a *prima facie* case of unpatentability." In re Glaug, 283 F.3d 1135, 62 U.S.P.Q.2d 1151, 1152 (Fed. Cir. 2002). "If the PTO fails to meet this burden, the applicant is entitled to the patent." Id. "To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Int.. 1985). The references applied in the Office Action fail to suggest the claimed invention for at least the reasons set forth with regard to each claim below. An artisan of ordinary skill would not have found the claimed invention to have been obvious in light of the teaching of the applied references. As the Examiner has not presented a *prima facie* case of unpatentability, applicant is entitled to a patent.

Because the references, even if combined would not have resulted in the invention of claims discussed above, and further because no motivation would have been present to modify Lebda in the stated manner, the references fail to render obvious the invention of the above-identified claims. Accordingly, withdrawal of the rejection of claims 1-10 and 12-21 under 35 U.S.C. §103 is respectfully requested.

IV.   Conclusion

As set forth above, applicant respectfully submits that all claims are in condition for allowance. Withdrawal of all rejections and prompt passage to issuance are earnestly requested. In the event Applicant has overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorize that any charges be made to Deposit Account No. 50-4494.

Should the Examiner have any questions regarding any of the above, the Examiner is respectfully requested to telephone the undersigned at 202-346-4016.

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Respectfully submitted,

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